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**INFORMATION DISCLOSURE
STATEMENT**
Patent Application
Docket No. MA-43CDF2D4
Serial No. 10/825,751

Jay M. Sanders, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jewel Payne, August J. Sick
Serial No. : 10/825,751
Filed : April 16, 2004
For : Novel *Bacillus thuringiensis* Isolate Active Against Lepidopteran Pests,
and Genes Encoding Novel Lepidopteran-Active Toxins

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

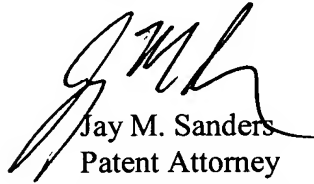
In accordance with 37 CFR §1.97 and §1.98, the applicants would like to bring to the attention of the Examiner the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B. Pursuant to 37 CFR §1.98(d), copies of the references cited on the attached Forms PTO/SB/08A and PTO/SB/08B are not provided herewith because copies of these references were submitted to the Office in prior U.S. Patent Application Serial No. 09/837,961 (filed April 19, 2001). Under 35 USC §120, the subject application (Serial No. 10/825,751) relies upon Serial No. 09/837,961 for an earlier filing date.

It is respectfully requested that the references listed on the attached Form PTO-1449 be considered in the examination of the subject application and that their consideration be made of record.

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statements.

Though no fees are believed to be required for this paper, the Patent Office is hereby authorized to charge any fees required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



Jay M. Sanders
Patent Attorney

Registration No. 39,355

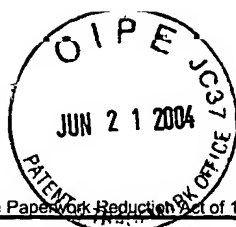
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Gainesville, FL 32606-6669

JMS/ehm

Attachments: Forms PTO/SB/08A and PTO/SB/08B



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/825,751
Filing Date	April 16, 2004
First Named Inventor	Jewel Payne
Art Unit	
Examiner Name	
Attorney Docket Number	MA-43CDF2D4

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US- 5,126,133	06-30-1992	Payne et al.	(Please review all)
	2	US- 5,164,180	11-17-1992	Payne et al.	(Please review all)
	3	US- 5,188,960	02-23-1993	Payne et al.	(Please review all)
	4	US- 5,206,166	04-27-1993	Payne et al.	(Please review all)
	5	US- 5,246,852	09-21-1993	Payne et al.	(Please review all)
	6	US- 5,407,825	04-18-1995	Payne et al.	(Please review all)
	7	US- 5,691,308	11-25-1997	Payne et al.	(Please review all)
	8	US- 6,096,708	08-01-2000	Payne et al.	(Please review all)
	9	US- 08/087,388	(none)	Gawron-Burke et al.	(Please review all)
		US-			
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FOREIGN PATENT DOCUMENTS

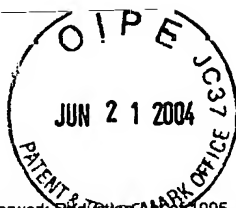
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	10	AU-0632335	05-07-1993	Payne et al.	Pls review all	
	11	EP-0 400 246	05-12-1990	Van Malleart	Pls review all	

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application Number 10/825,751

Filing Date April 16, 2004

First Named Inventor Jewel Payne

Art Unit

Examiner Name

Attorney Docket Number MA-43CDF2D4

Sheet

2

of

2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	12	CHAMBERS et al., "Isolation and Characterization of a Novel Insecticidal Crystal Protein Gene from...", Journal of Bacteriology, 1991, pp. 3966-3976, Vol. 173, Issue 13	
	13	HOFTE et al., "Nucleotide sequence and deduced amino acid sequence of a new Lepidoptera-specific crystal protein gene...", Nucleic Acids Research, 1990, p. 5545, Vol. 18	
	14	HONÉE et al., "Nucleotide sequence of crystal protein gene isolated from B. thuringiensis subspecies entomocidus...", Nucleic Acids Research (1988), p. 6240, Vol. 16, Issue 13	
	15	SANCHIS et al., "Nucleotide sequence and analysis of the N-terminal coding region of the Spodoptera-active...", Molecular Microbiology, 1989, pp. 229-238, Vol. 3, Issue 2	

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Considered

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